



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

ELP  
Docket No. 3933-00  
17 November 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 15 July 1988 for eight years. You were ordered to active duty on 28 July 1988 for a period of 36 months in the Active Mariner Program.

The record reflects that on 8 May 1991, a suspended reduction in rate to SA (E-2) was vacated because of continued misconduct. There is no documentation in the record about the previous misconduct or the circumstances surrounding the vacation action. You were honorably released from active duty on 24 May 1991, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code.

The Board noted your statement to the effect that you had two nonjudicial punishments prior to the vacation action, and your explanation of the circumstances which led to your reduction in rate and not being recommended for advancement or retention. The Board also noted your contention to the effect that when you

accepted an offer of early discharge, you were viewed as a manipulator and were unjustly assigned an RE-4 reenlistment code.

Regulations provide that individuals in pay grade E-1 or E-2 who are discharged at the expiration of their term of active service are not authorized reenlistment and assignment of an RE-4 reenlistment code is required. Since you were treated no differently than others separated under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The Board believed that two NJPs and a vacation action within the last 12 months of service provided sufficient justification for the command's non-recommendation for retention and assignment of an RE-4 reenlistment code. The Board thus concluded that the reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director